

Attorney Docket No.: 265280-73424  
Client Reference No.: DEP-805NP

### DECLARATION AND POWER OF ATTORNEY – PATENT APPLICATION

As a below named inventor, I hereby declare that I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought in the application entitled:

METHOD AND APPARATUS FOR CONTROLLING A SURGICAL BURR IN THE PERFORMANCE OF  
AN ORTHOPAEDIC PROCEDURE  
the specification of which  
(check one) X is attached hereto \_\_\_\_\_ as  
\_\_\_\_\_ was filed on \_\_\_\_\_ or  
United States Application Serial No. \_\_\_\_\_  
PCT International Application No. \_\_\_\_\_  
and was amended on \_\_\_\_\_

I hereby declare that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate on which priority is claimed (as listed below) and I have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	_____	_____
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

<u>60/413,692</u>	<u>9/26/02</u>
Application Number	Filing Date
_____	_____
Application Number	Filing Date

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(b) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status-patented, pending, abandoned
_____	_____	_____
Application Serial No.	Filing Date	Status-patented, pending, abandoned
_____	_____	_____

I hereby appoint William R. Coffey, Reg. No. 24023; Arland T. Stein, Reg. No. 25062; Richard D. Conard, Reg. No. 27321; Dilip A. Kulkarni, Reg. No. 27510; Richard A. Rezek, Reg. No. 30796; Paul B. Hunt, Reg. No. 37154; Jeffrey A. Michael, Reg. No. 37394; Bradford G. Addison, Reg. No. 41486; Shawn D. Bauer, Reg. No. 41603; Jill T. Powlick, Reg. No. 42088; Ronald S. Henderson, Reg. No. 43669; James R. Sweeney II, Reg. No. 45670; Christopher E. Haigh, Reg. No. 46377; Kevin D. Bailey, Reg. No. 46531; Rebecca Ball, Reg. No. 46535; Carl E. Stewart, Reg. No. 51058; Helen Geib, Reg. No. 50924; Kevin L. McLaren, Reg. No. 48351; Perry Palan, Reg. No. 26213; Mark M. Newman, Reg. No. 31472; Richard P. Krinsky, Reg. No. 47720; Richard B. Lazarus, Reg. No. 48215; Bobby B. Gillenwater, Reg. No. 31105; Gregory S. Cooper, Reg. No. 40965;


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BARNES & THORNBURG  
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Mark Alan Heldreth  
FULL NAME OF SOLE OR FIRST JOINT INVENTOR

  
Inventor's Signature

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09/04/03  
Date

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